

October 5, 2009

Allison Cook, Sr. Deputy Clerk  
United States District Court  
180 W Main St Room 104  
Abingdon VA 24210

RE: Charles A. Smith, Sr. v. D.C. 1980, Inc., *et als.*  
Case No. 1:08CV00046

Dear Ms. Cook:

I represent the plaintiff, Charles A. Smith, Sr. Please treat this letter as the update on the status of service of process upon one of the defendants to this action, namely Dikar S. Coop. LTDA, required by the court's oral order of June 22, 2009. Dikar S. Coop. LTDA is a foreign corporation with its principal place of business located in Spain. Service of Process upon this defendant must be accomplished in accordance with the Hague Convention on the Service Abroad of Judicial & Extrajudicial Documents.

On October 5, 2009, I contacted APS International, Ltd., who is working on our behalf to effectuate personal service on Dikar S. Coop. LTDA. APS International, Ltd. has not received confirmation of service as of this writing. I stressed to them the importance of letting us know something immediately. Because APS International has not heard from Spanish authorities, they are going to make one more contact with them. It is my understanding that they will send my office an affidavit for application for default judgment if this last contact confirms that no service has been made. We respectfully request that the court extend the time for service of process until October 15, 2009.

Thank you. Please contact me if you need additional information.

Sincerely yours,

/s/Ginger J. Largen

#### **Certificate**

I hereby certify that on October 5, 2009, I filed the foregoing status of service of process with the court using the CM/ECF System which will notify all parties in interest of the filing of the same.

/s/ Ginger J. Largen